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**RESPONSE UNDER 37 C.F.R. § 1.116  
Expedited Examining Procedure  
Examining Group 2653**

PATENT  
ATTORNEY DOCKET NO.: 040894-5644

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	Confirmation No. 1542
Osamu KASONO et al.	)	
	)	Group Art Unit: 2653
Application No.: 09/813,306	)	
	)	Examiner: Kim Kwok Chu
Filed: March 21, 2001	)	
	)	
For: OPTICAL HEAD APPARATUS	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, **Mail Stop AF**  
Randolph Building  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. §1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Final Office Action dated September 8, 2004, and pursuant to 37 C.F.R. §1.116.
2. Additional papers enclosed:

- ☒ Notice of Appeal
- ☐ Request for Approval of Drawing Change (with marked-up Figure attached)
- ☐ Submission of Formal Drawings (with Figures attached)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Citations

03/09/2005 AWONDAF1 00000065 500310 09813306

02 FC:1253 1020.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ 1020.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	7	minus	20	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$200 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

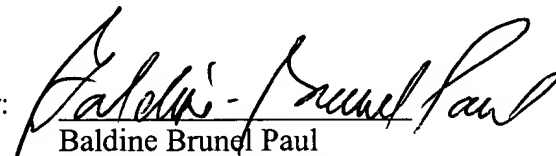
- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the fee of **\$ 1520.00** (representing \$1020 for the three-month extension of time, and \$500 for the Notice of Appeal) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: March 7, 2005

By:



Baldine Brunel Paul  
Registration No. 54,369

Customer No. 009629

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